

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR CLARK COUNTY, WASHINGTON**

In the matter of a Type III application for a 14-lot residential Tier 2 infill subdivision on 2.47 acres, zoned R1-7.5 in unincorporated Clark County, Washington.

FINAL ORDER

**Sorenson Park West
PLD2004-00003; SEP2004-00003**

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application for preliminary plat and related approvals for the Sorenson Park West Subdivision (PLD2004-00003; SEP2004-00003) a 14-lot residential subdivision on approximately 2.47 acres zoned R1-7.5 using the County's Tier 2 infill standards in CCC 40.260.110.

II. Introduction to the Property and Application:

Owners James Kay
11000 NW 21st Avenue
Vancouver, WA 98685

Applicant..... LAWINCO, LP
Attn: John Lawson & Tim Wines
113 South Parkway Avenue
Battle Ground, WA 98604

Property Legal Description: A portion of tax lots 322 (parcel number 189193-006) and 118, 212 & 299 (collectively parcel number 188997) located in the NW ¼ of Section 33, Township 3 North, Range 1 East of the Willamette Meridian. Street Address: 11000 NW 21st Avenue.

Applicable Laws RCW 58.17 and Clark County Code (CCC) Chapters 15.12 (Fire), 40.220.010 (Single-family Residential Districts); 40.260.110 (Residential Infill); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees).

This application seeks preliminary plat and related approvals, for a 14-Lot Tier 2 infill residential subdivision on approximately 2.47 acres zoned R1-7.5 with a UL (Urban Low Density Residential) comprehensive plan designation. The property consists of two recently adjusted tax lots (parcel number 189193-006 & 188997) located in the north of NW 109th Street and west of NW 21st Avenue (Ex. 2) and is designed and proposed in conjunction with the 9-lot subdivision on 1.4 acres abutting to the west of this of property (Sorenson Park East, PLD2003-00088, SEP2003-00165, EVR2003-00064) that is also

approved today. There is an existing mobile home on the property that will be retained on Lot 10. There are no wetland, sensitive lands, or critical lands issues related to this proposal. All surrounding parcels on all sides are zoned R1-7.5 (Ex. 3) and residentially developed. The property is within the Vancouver urban growth area, the territory of the Felida Neighborhood Association, the Vancouver School District, Fire Protection District 6, the Hazel Dell Traffic Impact Fee District, and Parks Improvement District 9. Water and sewer are provided by Clark Public Utility District and the Hazel Dell Sewer District respectively.

This proposal has gone through several design iterations (see Exs. 5, 21 & 30) resulting in a near-final design (Ex. 30) for 14 lots that is addressed in this decision. Primary access will be from NW 21st Avenue via a new internal private street (NW 110th Street), an extension of NW 109th Street and a small private street extending north from NW 109th Street (NW 22nd Avenue). The bulb of the NW 109th Street cul-de-sac was originally proposed to be located on land that would be obtained from the abutting property owner, the Vancouver School District (Exs. 12 & 27). However, by the time the record closed on this matter (September 2, 2004), the School District had not vacated the land needed for the cul-de-sac bulb. If that situation does not change, the applicant will have to revise the final plat to show the entire NW 109th Street right-of-way on land owned by the applicant and not on the School District property. The proposal also includes four road modifications (Ex. 6, tab 11). Engineering staff reviewed the transportation plan (Ex. 7) and the road modification requests and recommended denial of the transportation plan due to a number of unresolved issues and recommended approval of two of the four modifications (Ex. 17). These short-comings were discussed at the July 1, 2004 hearing, and the applicant subsequently addressed these issues (Exs. 26 & 30). Staff reviewed the new information and changed its recommendation to conditional approval (Exs. 24 & 25).

The applicant submitted a stormwater plan (Ex. 6, tab 6) that proposed combined facilities to collect and treat stormwater from this development and Sorenson Park East through infiltration. Staff reviewed an earlier version of the stormwater plan and recommended denial due to several unresolved issues (Ex. 17). These deficiencies were also discussed at the July 1, 2004 hearing, and the applicant subsequently addressed them (Exs. 22, 28 & 30). Staff reviewed the new information and changed its recommendation to conditional approval (Exs. 24 & 25).

In its most recent form, the application includes a preliminary plat (Ex. 30), a narrative (Ex. 6, tab 4), a preliminary stormwater plan (Ex. 6, tab 6), geotechnical information (Ex. 6, tab 13, Exs. 22 & 28), notes from the August 14, 2003 preapplication conference (Ex. 6, tab 2), a traffic impact analysis (Ex. 7), a traffic information report (Ex. 6, tab 7), preliminary design to correct sight distance deficiencies on NW 21st Avenue (Ex. 26 & 30), a legal lot determination (Ex. 6, tab 5), sewer and water provider letters (Ex. 6, tab 9), and notes from December 12, 2003 meeting with the Felida Neighborhood Association and surrounding neighbors (Ex. 6, tab 12).

III. Summary of the Local Proceeding and the Record:

A preapplication conference for this subdivision was requested July 24, 2003 and held on August 14, 2003 (Ex. 6, tab 2). A Type III application was not submitted until January 12, 2004 and determined to be fully complete on February 17, 2004 (Ex. 9). From this, the vesting date for the development is February 3, 2004. Notice of the Type

III application and an April 27, 2004 public hearing on the application was mailed to property owners within 300 feet and to the Felida Neighborhood Association on March 3, 2004 (Exs. 10 & 11), and notices were posted on the site and in the vicinity on April 12, 2004 (Ex. 16). Notice of the April 27, 2004 hearing date and the SEPA Determination of Nonsignificance (DNS) were published in the Columbian on April 12, 2004 (Ex. 14). The County received no appeals and only one comment (Ex. 18) in response to the SEPA Determination by the submission deadline of April 26, 2004. One comment was received in response to the notice of hearing and the land use proposal (Ex. 12). The single SEPA comment was from the Washington Department of Ecology and did not warrant a separate response. Staff issued a comprehensive report on the project dated April 12, 2004 (Ex. 17) recommending denial of the proposed subdivision. At the applicant's request, the hearing was postponed to July 1, 2004 and renoticed (Ex. 23). Following several new submissions from the applicant (Exs. 21 & 26) and staff review of those materials (Exs. 24 & 25) staff changed its recommendation on the eve of the hearing to a conditional approval.

At the commencement of the July 1st hearing, the Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflict of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner's jurisdiction or his ability to decide the matter impartially.

At the hearing, Travis Goddard, County planning staff on the project, and Ali Safayi, engineering staff, provided verbal summaries of the project, the staff report and the various agency and departmental comments in the record. The applicant's representative, Tim Wines and John Lawson, of LAWINCO, LP, described the project, explained details and responded to questions from the Examiner and staff. Testifying in opposition was Curtis Achziger, Vice President of the NE Hazel Dell Neighborhood Association, Bud VanCleve, Patrick St. John, Michelle Cotner, President of the Felida Neighborhood Association, and Richard Curtis.¹

The Examiner stated that, notwithstanding minor revisions and staff's new tepid endorsement of the project, there remained serious deficiencies in the proposal as a whole and with regard to several specific technical issues, *e.g.* stormwater infiltration, clear title to necessary portions of the property, sight distance deficiencies along NW 21st Avenue, etc. While none of these deficiencies, individually, was sufficient to preclude preliminary approval of this subdivision, the lack of definition on all of these issues was collectively unacceptable and precluded approval. While these issues could be addressed on an individual basis at the time of final plat, final plat is not a public process and provides no means for public review or comment. Moreover, the resolution of several of the outstanding issues will impact substantially the neighboring residents, *e.g.*, sight distance problems on NW 21st Avenue and the viability of infiltration as a stormwater disposal method, and should be subject to a public process. Mr. Lawson requested that the record be left open following the July 1, 2004 hearing to allow his firm to shore-up the application's deficiencies. The Examiner granted the request and ordered the following open record schedule:

¹ These witnesses appeared and testified in Sorenson Park East subdivision application (PLD2003-00088). Because their comments apply to both of these infill subdivisions collectively, the Examiner incorporates herein by reference all of the testimony and exhibits submitted by these witnesses in the Sorenson Park East subdivision.

July 23, 2004..... Applicant's response & revision to the proposal
August 12, 2004 Staff's review and revised report
August 26, 2004 Public comment on the revised plan and staff report
September 2, 2004..... Applicant's final submission (argument only)

On September 2, 2004, the Examiner closed the record and took the matter under consideration.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues were addressed by County staff members, in their reports or by agency comments on the application, and the Examiner adopts the following findings with regard to each:

LAND USE:

Finding 1 - Zoning: The development site is approximately 2.47 acres. If the proposed development were to occur at the minimum density permitted by the R1-7.5 zone, then the gross acreage could be divided into 10 lots; but if the development were to occur at the maximum density, then the gross acreage could be divided into 14 lots, each with a minimum lot area of 7,500 square feet. The applicant is proposes 14 lots using the Tier 2 Residential Infill standards, which permits a density of 7.3 dwellings per acre in the R1-7.5 district.

Finding 2 - Residential Infill: CCC 40.260.110 permits infill of by-passed urban parcels in the R1-7.5 zoning district. The ordinance provides incentives (e.g. smaller lots, variation from the County's Transportation Standard may occur, and variation from the Stormwater and Erosion Control Ordinance may also occur, where applicable), public notice and design guidelines, to foster infill development while striving to maintain neighborhood compatibility. The code also provides a 2-tier system for reviewing residential infill applications. Tier 2 infill standards provide more incentives to the developer and require a public meeting to be held between the developer and the neighbors. This development qualifies for a Tier 2 Residential Infill development because the minimum lot area proposed is approximately 6,717 sf (Ex. 30).

CCC 40.260.110(B)(1) provides the eligibility criteria for residential infill development, and CCC 40.260.110(I) provides the standards and incentives regulating Tier 2 infill development. Staff determined that this proposal meets all the applicable criteria for Tier 2 Residential Infill development (Ex. 17), and the Examiner agrees. The applicant has provided documentation regarding the neighborhood meeting including the mailing list, a sign in sheet documenting those that attended the meeting and the minutes of the meeting (Ex. 6, tab 12). Therefore, no condition of approval is necessary with this finding.

The infill ordinance provides for reduced front yard setbacks of a minimum of 18 feet for the garage door and 10 feet for other parts of the dwelling. The maximum building lot coverage is 60% in Tier 2 infill developments. Subsection (F)(1) requires that the applicable infill development standards be recorded as a deed restriction with the final plat as a condition of approval. Therefore, a plat note will be required to ensure that dwellings and other structures constructed on these lots comply with the applicable setbacks and other dimensional standards. See Plat Note D-1.

Finding 3 minimum lot size: Table 40.260.110-2 shows the minimum parcel area permitted for single-family detached housing development in the R1-7.5 zoning district using residential infill standards, and CCC 40.260.110(I)(4) summarizes the set back standards for residential infill development.

Finding 4: It is not clear from the revised plan (Ex. 30) whether the calculation for Lots 2, 3, 4, 5 & 6 abutting NW 22nd Avenue (private) and Lots 7, 12, 13 & 14 abutting NW 110th Street (private) include the area included within these private streets. The Code does not allow lot area calculations to include private streets and roads. This creates two problems. First, this configuration makes it difficult to identify with certainty the front lot line per CCC 40.100.070 (Front Lot Line). CCC 40.100.070 defines the *front lot line* as *the property line abutting a street, or approved private road or easement.* For these lots, if the front lot line abuts NW 22nd Avenue (Private) and 110th Street (Private), respectively, then the area of these lots could be smaller than the average lot size for this residential infill development. Second, lot size cannot include land area devoted to private streets. Therefore, the applicant shall revise the plat if necessary to clearly demonstrate that the lot areas do not include private street areas and clearly identify the front lot line for all lots in the plat. See Condition A-1. This may require a reduction in the number of lots.

Finding 5: The applicant is terminating NE 109th Street in a cul-de-sac, a portion of which lies on property owned by the Vancouver School District. The applicant has assumed that the School District will vacate this portion of its land to accommodate this development. However, by the time the record closed in this matter (September 2, 2004), the school district had not agreed to the vacation, yet the proposed plat anticipates that the vacation will be approved (Ex. 30). To remove all doubt, the applicant shall provide, prior to final plat, documentation that the school district has, in fact, completed the legal vacation of the portion of NW 109th Street proposed on land currently owned by the school district. See Condition A-2. This may result in a reduction in the number of lots. Regardless of where the cul-de-sac is finally located, the applicant shall include a note on the plat stating that: "The proposed cul-de-sac at the terminus of NE 109th Street shall be temporary; and, if a through road is required for cross circulation in the area, the road shall be extended as needed." See Plat Note D-2.

Finding 6: There is a mobile home on the proposed Lot 10 that will be retained. The application does not request or discuss the citing of additional mobile homes on any lot in this subdivision. Staff's and the Examiner's review of this development has not assumed that mobile homes might be installed; therefore, they are prohibited. See Plat Note D-3.

Finding 8 – Boundary Line Adjustment: This subdivision is adjacent to Sorenson Park East (PLD2003-00088) which is being processed concurrently with this

application. The two parent parcels of the proposed subdivisions will be subject to a Boundary Line Adjustment as part of the review and approval process. A more detailed discussion of the adjustment is included in the Examiner's decision for Sorenson Park East; however, the effects of the adjustment will equally impact this subdivision. Therefore, the Examiner finds that this subdivision shall be subject to the same condition requiring the submission of a recorded copy of the boundary line adjustment between TL 200 and TL 322 showing the final configuration in substantial conformance with what is depicted on the applicant's proposal (Ex. 30). See Condition A-4.

TRANSPORTATION CONCURRENCY:

Finding 9 - Traffic Study: The applicant submitted a traffic study for this proposal as required by CCC 40.350.020(B) (Ex. 7) and is required to meet the standards in CCC 41.350.020(G) for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance. County concurrency staff reviewed the combined traffic study for proposed Sorenson Park East and West consisting of a total 25 lots. Combined, the site has two existing residences that will remain. The applicant's traffic study estimated the weekday AM peak hour trip generation at 17 new trips, while the PM peak hour trip generation is estimated at 23 trips.

Finding 10 - Site Access: Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network (NW 21st Avenue). The access appears to maintain acceptable LOS.

Finding 11 - Operating LOS on Corridors: The proposed development was subject to concurrency modeling, the results of which indicated that the operating levels comply with travel speed and delay standards (Ex. 17). The applicant shall reimburse the County for costs incurred in running the concurrency model. See Condition A-4. Based on these findings and the favorable recommendation of concurrency staff, the Examiner concludes that the proposal complies with the Concurrency Ordinance (CCC 40.350.020).

Finding 12 – Safety: Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in CCC 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may

voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 13 - Traffic Signal Warrants: Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Finding 14 - Turn Lane Warrants: Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Finding 15 - Historical Accident Situation: The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are less than 1 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Finding 16 - Sight Distance Triangle: The applicant's traffic study reports an existing sight distance deficiency at the intersection of NW 109th Street and NW 21st Avenue (Ex. 7, App J). The development proposes to realign the intersection to the north of its current location and implement other measures to correct the deficiency (Exs. 26 & 30). Currently only four homes use this access point. The development also proposes to close the driveway along the north property line through proposed Lot 3 of Sorenson Park East. This will result in additional traffic (a total of 30 single family homes) using the realigned NW 109th Street access point. The applicant shall ensure that the realigned intersection complies with CCC 40.350.030(B)(8) for sight distance prior to issuance of occupancy permits. See Conditions A-5 & C-1.

Finding 17 - Stopping Sight Distance: The traffic study reports an existing stopping sight distance deficiency along NW 21st Avenue, due to a vertical curve in the roadway. Staff checked the County Road Conditions Inventory, Section III.3, for ongoing roadway segments improvements. There are currently 58 projects on this small ongoing projects list. The inventory does include project that would fix the sight distance deficiency on NW 21st Avenue, for a segment in the area of NW 111th Street. This project is ranked number 35 on the list. Generally, the County has the funds to construct one to three small projects per year. Assuming that the list is not reordered, or that additional projects are not added to the list, the segment to improve the sight distance on this section of NW 21st Av is not likely to be constructed in the near future. The list will be reordered as new collision data, traffic counts, etc., become available.

The applicant's traffic engineer suggested in a letter to the County Engineer (Ex. 7, App J) that the vertical curves limiting stopping sight distance along NW 21st Avenue require immediate attention, and that the County is responsible for fixing the sight distance issue. The County has responded by placing the potential project on a prioritization array, and the County will attempt to reconstruct the road when it ranks at the top of the list, and as funding becomes available. It would not be appropriate to move this project ahead of the other 34 higher ranking small projects just because a new development is being proposed at or near this location. A similar argument could be made for any number of the other projects on the entire list of 58 projects.

The proposed developments will increase the number of single family homes using 109th Street to access NW 21st Avenue along the deficient roadway segment. Based on ITE Trip Generation, the average weekday traffic will change from 38 trips to 287 trips, entering and leaving at NE 109th Street. As confirmed by the applicant (Ex. 7, App J) staff determined that the current sight distance deficiency on NW 21st Avenue constitutes an existing significant traffic safety hazard, and that the addition of Sorenson Park East and West would materially aggravate that safety hazard (Ex. 17). This conclusion was corroborated by testimony from opponents to this project at the July 1, 2004 hearing. The Examiner agrees with these conclusions and finds that CCC 40.350.030(B)(6) requires denial of both of these developments unless the applicant happens to volunteer a corrective measure, which it has.

Finding 18 - Volunteered Mitigation: According to CCC 40.350.030(B)(6), mitigation for off-site safety deficiencies may only be a condition of approval on development if the applicant voluntarily agrees to mitigate the direct impact of the traffic safety hazard in accordance with the provisions of RCW 82.02.020. The applicant has submitted a revised plan that proposes specific mitigation to address these safety concerns due to deficient sight distance at the intersection of NW 109th Street and NW 21st Avenue (Exs. 26 & 30). The applicant has not provided engineering details for the plan, but shall do so as part of final engineering plan review. See Condition A-5. Approved mitigation measures must be completed and implemented prior to the occupancy of the proposed development. See Condition C-1.

TRANSPORTATION:

Finding 19 – Pedestrian & bicycle circulation: Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required by CCC 40.350.010. The development plans propose sidewalks along the frontage of NW 109th Street and the south side of proposed NW 110th Street (a private access road). Bike lanes are not required along NW 21st Avenue, a 2-lane collector road (C-2), and urban access roads. Based on this information, the proposed pedestrian circulation complies with CCC 40.350.010.

Finding 20 – Circulation Plan: NW 21st Avenue, a collector road east of the development, is a primary north-south circulator road in the vicinity of the site. The Existing portion of NW 109th Street, south of the site, and the proposed onsite roadways, NW 110th Street and NW 22nd Avenue, will provide for east-west and north-south circulation. The Examiner finds that the existing roads and the proposed onsite roads will provide adequate cross-circulation for serving the proposed subdivision and will allow future developments to meet the cross circulation standards in compliance with CCC 40.350.030(B)(2).

Finding 21 - NW 21st Avenue: This proposed development will be accessed via NW 21st Avenue to the east of the site. This roadway is classified as a 2-lane urban collector road (C-2). If the improvements at the intersection of NW 109th Street and NW 21st Avenue are not completed by the Sorenson Park East subdivision (PLD2003-00088), this project will be responsible for those required improvements. See Transportation finding 25 (sight distance).

Finding 22 - NW 109th Street: NW 109th Street is a publicly maintained roadway within a 60-foot right-of-way. This roadway is classified as a “Local Residential Access” road.

The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with Standard Details Manual, Drawing #14, include:

- A minimum half-width right-of-way of 23 feet
- A minimum half-width roadway of 14 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

As indicated on the revised plan (Ex. 30), the applicant has requested that the Vancouver School District vacate a portion of NE 109th Street along the frontage of the development where part of the cul-de-sac bulb is proposed to be located. As of September 2, 2004, when the record closed, the school district had not agreed to the vacation, yet the proposed plat anticipates that the vacation will be approved (Ex. 30). To remove all doubt, the applicant shall provide, prior to final plat, documentation that the school district has, in fact, completed the legal vacation of the portion of NW 109th Street proposed on land currently owned by the school district. See Condition A-2. The remaining full-width right-of-way along the frontage shall not be less than 46 feet. See Condition A-6.

The project now proposes an island along NW 109th Street at the intersection with NW 21st Avenue to improve safety in this location. The Transportation Standards do not make provisions for the proposed island. However, the island may be reviewed as part of the sight distance mitigation proposal to be submitted with the engineering plans. See Finding 25.

The applicant has applied to Clark County Public Works requesting the vacation of a 13-foot strip of existing right-of-way for NW 109th Street running along the south boundary of the site as depicted in the revised plans (Ex. 30). The vacation request is apparently pending, but finalization of this proposed plat is contingent upon the applicant obtaining the requested vacation prior to final plat in order to meet the required minimum sizes for those lots that abut the southern boundary. See Condition A-23.

This applicant may not be successful in obtaining a vacation for the proposed right-of-way and cul-de-sac from the school district. For that reason, the applicant shall provide an alternate plan for the required temporary turnaround at the terminus of NE 109th Street. See Condition A-2.

The applicant proposes to construct the cul-de-sac at the westerly end of NE 109th Street as a permanent turnaround in accordance with Standard Details Manual, Drawing 28. However, when the property to the west is developed, this road will be extended; therefore, it shall be constructed as a temporary cul-de-sac. In compliance with Section CCC 40.350.030(B)(9)(b)(2), removal of the existing temporary turnaround and extension of the sidewalk shall be the responsibility of the developer who extends the road. Removal of this type of turnaround and extension of curb/gutter and sidewalk may impose hardship on the future development. Therefore, the proposed temporary cul-de-sac shall be constructed in accordance with Standard Details Manual, Drawing 31. A modified version may be approved by the county during the engineering plan review. See Condition A-7.

If the improvements along NW 109th Street from NW 21st Avenue to this development are not completed by Sorenson Park East development (PLD2003-00088), this

project will be responsible for constructing all of those improvements deemed necessary to provide safe access to the site. See Condition A-8. Finally, the applicant has requested a road modification to use a shed-section for the roadway surface in lieu of the required crown-section. That issue is addressed below in Finding 27 (Road Modifications).

Finding 23 - NW 110th Street: NW 110th Street is proposed as a private road with a 24-foot wide paved roadway, curbs, and 5-foot wide sidewalk on the south side, all within a 30-foot easement. This road shall be improved to the private road standards in accordance with the provisions of CCC 40.350.030(B)(10). The roadway is terminated in a 35-foot radius paved cul-de-sac with a 5-foot thickened sidewalk within a 40-foot right-of-way in accordance with Standard Details Manual, Drawing 28. If the improvements are not completed by Sorenson Park East development (PLD2003-00088), this project will be responsible for constructing all of those improvements deemed necessary to provide safe access to the site. See Condition A-8.

The record shows that Richard Curtis, an adjoining property owner has an easement over what is proposed to be NW 110th Street. The applicant shall provide evidence prior to final plat approval that using NW 110th Street to access the proposed lots within the development is permitted by the terms of an easement and maintenance agreement by all parties, including Mr. Curtis, who have an ownership interest in this private road. See Condition A-9.

According to CCC 40.350.030(B)(10), private roads are not allowed when they connect two public roads. The revised plans (Ex. 30) show that the existing portion of NW 110th Street between NW 21st Avenue and realigned NW 110th Street/Avenue is to remain. This will provide a connection between NW 21st Avenue and NW 109th Street – two public roads connected by a private road – which is prohibited by CCC 40.350.030(B)(10). See Condition A-10. Finally, the applicant has requested a road modification to use a shed-section for the roadway surface in lieu of the required crown-section. That issue is addressed below in Finding 27 (Road Modifications).

Finding 24 – NW 22nd Avenue: The revised plan (Ex. 30) shows NW 22nd Avenue and an extension of NW 110th Street to the west of the cul-de-sac as private “infill B” roadways with paved widths of 12 feet within a 20-foot access and utility easement. According to CCC Table 40.350.030-4, an infill B road can serve up to a maximum of four lots. It is not clear which lots have access driveways onto these roads; however, the applicant shall clarify that issue and comply with the limitation on the maximum number of lots that can be so served. See Condition A-11. According to CCC 40.350.030(B)(10)(b)(2)(d), parallel parking is prohibited along the proposed infill roads. The developer will be responsible for installing “No Parking” signs along the proposed private roadways. See Condition A-12. Finally, the applicant has requested a road modification to use an inverted crown section for the roadway surface in lieu of the required crown-section. That issue is addressed below in Finding 27 (Road Modifications).

Finding 25 - Sight Distance: The stopping sight distance along NW 21st Avenue is obstructed and does not meet the requirements of CCC chapter 40.350 due to the existing vertical curve along NW 21st Avenue just to the north of the intersection of NW 109th Street and NW 21st Avenue (Ex. 7, App J). Furthermore, the existing

topography at the northwest corner of this intersection limits the corner sight distance for entering NE 21st Avenue from NE 109th Street. Undertaking measures to mitigate the impacts of additional traffic generated by the proposed development are required. The Examiner has already found that this sight distance deficiency constitutes a significant traffic safety hazard which this development will materially aggravate. CCC 40.350.030(B)(6).

In compliance with CCC Table 40.350-030-11, the required sight distance at controlled intersections for the posted speed of 35 mph along uncontrolled roadway in either direction shall be 350 feet. The applicant's traffic engineer has submitted a sight distance analysis for the intersection of the NW 109th Street with NW 21st Avenue (Ex. 7) that documents the current deficiencies (Ex. 7, App J). The applicant's traffic engineer certifies that the required sight distance triangle at this intersection can be met by relocating the existing intersection northward, eliminating the existing retaining wall to the north, and removing vegetation to the south (Ex. 30). County engineering staff agrees that these measures will likely resolve the sight distance deficiencies (Ex. 24). The applicant proposes to comply with the recommendations of its traffic engineer, but in any event, the sight distance deficiencies shall be resolved one way or another to the satisfaction of County engineers prior to occupancy. See Conditions A-5 & C-1. Additionally, the site's topography may pose some problems and may limit sight distances along the proposed internal roadway. All driveways and intersections shall have unobstructed sight distance triangles and the roadways shall have minimum stopping sight distances in accordance with CCC 40.350.030(B)(8). See Condition C-1.

Finding 26 - Intersection Design: The proposed intersections shall be designed in accordance with CCC 40.350(B)(7). According to CCC Table 40.350.030-2, the full access intersection spacing along collector roads shall be 275 feet. The separation between the intersections of NW 109th Street / NW 21st Avenue and the existing intersections along NW 21st Avenue to the north and south do not comply with CCC 40.350(B)(7). Although the substandard spacing between these intersections is an existing condition, the Examiner finds that additional trips generated by this development will exacerbate a traffic safety hazard in this location. As a result, the applicant shall mitigate any potential impacts due to noncompliant intersection spacing. See Finding 18 and Condition A-13.

Finding 27 - Road Modifications: This developer has requested 4 road modifications (Ex. 6, tab 11). If a development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010(A)(1). The request shall meet at least one of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*

- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Modification Request 2-a: The County Arterial Atlas requires detached and meandering sidewalk along the collector roadways. The applicant requests a road modification to allow a curb-tight sidewalk along NW 21st Avenue. The applicant requests a modification for attached sidewalk to minimize the grading impact to the existing house.

Based on staff's favorable review (Ex. 24), the Examiner concurs with the applicant that a detached sidewalk will require additional grading and a retaining wall along the property frontage on NW 21st Street. On this basis, the Examiner finds that the request complies with the approval criterion described in CCC 40.550.010(A)(1)(a).

Modification Request 2-b: The applicant requests a modification to allow a cross-slope (shed-section) for NW 110th Street, the onsite private road. CCC chapter 40.350 does not provide provisions for roadways with shed-section. The applicant indicates that the modification is a minor change that provides an equal design to road standards because the proposed modification is to aid the stormwater collection.

Based on staff's favorable review (Ex. 24), the Examiner concurs with the applicant that the requested modification allows for collection of stormwater more efficiently. The Examiner finds that the request complies with the approval criterion described in CCC 40.550.010(A)(1)(b).

Modification Request 2-c: The applicant also requests a modification to allow a shed-section for the required improvements along the northerly portion of the exiting NW 109th Street. The applicant indicates that this will provide a dual benefit in that it does not result in a crown in the road being located in the center of the north lane and it allows for better driveway approach to the north.

The Examiner finds that the runoff from the created impervious surface due to the required frontage improvement along north side of NW 109th Street will have some impacts on the existing residential lots to the south. The proposed shed-section will not allow for treatment of runoff from the created impervious surfaces. The applicant has not provided any evidence to show that the modification will not have any adverse impacts. On this basis, and staff's negative recommendation on this modification request (Ex. 24), the Examiner finds that the requested modification does not comply with any of the approval criteria described in CCC 40.550.010(A)(1)(b), and it is denied.

Modification Request 2-d: Finally, the applicant requests a modification to allow an inverted crown road section for NW 22nd Avenue, the onsite private road. CCC chapter 40.350 does not have a provision for roadways with inverted crown sections. The applicant indicates that the modification will allow for better access to the lots and allow for stormwater collection without using ditches.

Based on staff's favorable review (Ex. 24), the Examiner concurs with the applicant that the requested modification allows for collection of stormwater more efficiently. The Examiner finds that the request complies with the approval criterion described in CCC 40.550.010(A)(1)(b).

Based on the foregoing findings, the Examiner approves requested road modifications 1, 2 and 4 denies the third requested modification.

Finding 28 - Transportation Plan: Based upon the foregoing findings and Conditions A-1 through A-13, the development site's characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and staff's recommendations, the Examiner concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation ordinance. The applicant shall submit, and obtain written approval of its Traffic Control Plan (TCP) prior to obtaining building or grading permits. The contents of the approved TCP shall control all work within or impacting the public transportation system. See Condition B-1.

STORMWATER:

Finding 29 - Approval Criteria: This is proposed as an infill project. The Stormwater and Erosion Control Ordinance (CCC chapter 40.380) applies to development activities that result in 5,000 sf or more of new impervious area created by an infill development; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in CCC 40.380.030. The project will create more than 5,000 sf of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempt under CCC 40.380.030. Therefore, this development is subject to, and shall comply with, the Stormwater and Erosion Control Ordinance. The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.020. This project is subject to, and shall comply with, the erosion control ordinance.

Finding 30 - Stormwater Proposal: The applicant submitted a stormwater plan (Ex. 6, tab 6) in which it proposed to achieve the required stormwater quality control within two biofiltration swales located in the roadway easement to the south of the proposed site. The preliminary stormwater design report indicates that the proposed biofiltration swales will be designed to treat 70% of the 2-year, 24-hour storms, as required. The preliminary stormwater plan proposes to achieve stormwater quantity control by infiltration of runoff due to 100-year, 24-hour storm within infiltration facilities consisting of drywells and associated perforated pipe systems in central and southern parts of the site. The narrative submitted with the application indicates that the biofiltration facilities will be publicly owned and maintained and the proposed infiltration facilities will be privately owned and maintained by the homeowners association.

Finding 31 - Site Conditions and Stormwater Issues: The applicant's preliminary stormwater plan addresses both Sorenson Park West and the companion development Sorenson Park East (PLD2003-00088). The preliminary stormwater report indicates that these proposed developments will create approximately 2 acres of impervious surface. Stormwater report indicates that 0.21 acre of NW 109th Street and all of NW 22nd Avenue (part of Sorenson Park West) will be infiltrated without

water quality treatment. To mitigate for this, the project proposes to remove 0.12 acre of existing impervious surface and 0.21 acre of existing impervious surface will be collected and routed through the water quality facility. The stormwater ordinance does not provide credits for replacing impervious surface because the ground beneath these surfaces has been disturbed and restoration to original pervious conditions does not seem to be practical. Furthermore, it appears that the applicant proposes to trade off between existing non-pollution generating impervious surface for the created pollution-generating surface. The project is required to treat 70% of the runoff from all pollution generating, *i.e.*, all impervious, surfaces created by the entire project. See Condition A-14.

USDA, SCS mapping shows the site to be underlain by Hillsboro loam and sandy loam soil (HoB, HoC) classified by AASHTO as A-4 soils for the depths of 0 to 86 inches below the ground surface. Hillsboro soils are designated as hydrologic group "B". The Stormwater and Erosion Control Ordinance does not list A-4 soils as suitable for infiltration. The applicant retained GeoStandards Corporation to conduct infiltration investigation at the subject site in July 2003. The soil infiltration investigation report indicates that infiltration tests were conducted in 2 locations – test locations TP-1 and TP-7 (Ex. 6, tab 6, fig 2). No groundwater was observed during the infiltration investigation. The infiltration test in these locations showed infiltration rates of 0.36 inch per hour at the dept of 5 feet below existing grade in TP-1 and 12 inches per hour at the depth of 14 feet below ground surface in TP-7. In accordance with CCC 40.380.040(C), the measured infiltration rate shall be equal to or greater than 8 inches per hour.

The addendum to the infiltration investigation report (Exs. 22 & 28) indicates that the soil samples from the test locations were classified as A-4 and A-3 based on the AASHTO specifications. In accordance with the provisions of CCC 13.29.310(C)(1), A-3 soils as defined in AASHTO Specification M145 are suitable for infiltration. However, grain size analysis showed 66.6% and 2.99% passing #200 sieve for samples from TP-1 and TP-7, respectively. The report indicates that the variations in soil conditions are due to elevation difference of about 10 feet between two exploration locations. It is further indicated that variations should be expected and it is anticipated that the groundwater table will rise during months of peak runoff.

The project uses half of the test rate of 12 inches per hour obtained in TP-1 at the depth of 14 feet below the ground surface. The perforated pipes are proposed to be placed at depths of 3 and 6 feet below the ground surface. The project proposes infiltration facilities in the central and southern portion of the site, neither one is in the vicinity of TP-1 test location. Furthermore, the tests were performed during July, a dryer month of the year. Staff concluded that, based on the laboratory test results, the test locations, the site's slope, disposal of stormwater runoff by infiltration was not feasible unless additional field and laboratory tests are performed during the wet weather season and the lowest rate which would provide the highest safety factor is used (Ex. 24). Notwithstanding the statement from the applicant's geotechnical engineer that no wet weather testing is necessary (Ex. 28), the applicant shall provide additional wet weather infiltration testing results to the satisfaction of County engineering staff. See Condition A-15.

The geotechnical report (Ex. 6, tab 13) recommends that surface runoff from roofs should be tight-lined into storm sewer or other approval disposal areas. The

stormwater report indicates that substantial grading will be performed to provide for construction of roadways and the home sites. The project proposes to direct runoff from the northeastern corners of the project into individual downspout infiltration systems. However, it is questionable whether it is feasible for the individual homeowners to construct these facilities at the required depth, over the terraced site, and in fill materials. The applicant shall address the impact of mass grading on permeability of subsurface soil layers and the potential impacts of water seepage on the future residences downstream from the proposed infiltration facilities. See Condition A-16.

According to CCC 40.380(C)(1)(g), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The proposed development site and the drainage path for the northerly contributory areas are sloped from north to south. This development can potentially cause adverse impacts on the adjacent properties to the north and south of the site. The stormwater plan does not propose measures necessary to prevent blocking the drainage from northern contributory area or adverse impacts to the properties on the south in case of failure of the infiltration facilities. See Condition A-17.

Based upon the foregoing findings and Conditions A-14 through A-17, the development site's characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and staff's recommendations, the Examiner concludes that the proposed preliminary stormwater plan can meet the requirements of the County's stormwater ordinance.

FIRE PROTECTION:

Finding 32 – Fire Marshal Review: The Fire Marshal's Office reviewed this application and provided comments (Ex. 15). Development of this subdivision and the individual lots shall comply with those comments. Where the developer encounters difficulty meeting these conditions or if additional information is required, the developer is advised to contact the Fire Marshal's office. See Condition E-5.

Finding 33 – Building Construction: Building construction occurring subsequent to this application shall comply with the provisions of the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of permit review and approval process. See Condition E-5.

Finding 34 – Fire Flow: Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this development. Information from the water purveyor (Ex. 6, tab 9) indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. See Condition A-18.

Finding 35 – Fire Hydrants: Fire hydrants are required for this application and shall be spaced no farther than 700 feet from each other and no lot or parcel shall be farther than 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Based on these criteria, either the indicated number or spacing of the fire hydrants is inadequate and shall be corrected. Final fire hydrant locations shall be approved by the Fire District Chief. The applicant shall contact Fire District 6

(360-576-1195) to arrange for location approval and then show hydrant locations on the final engineering plans. See Condition A-18.

Finding 36 – Fire Access and Maneuvering: The project shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. Fire Marshal staff indicates that the roadways and maneuvering areas as indicated in the application meet the requirements, in accordance with the Transportation Standards. See Condition E-6.

Finding 37 – Fire Apparatus Turnarounds: Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standards. See Condition E-6.

WATER & SEWER SERVICE:

Finding 38 – Utilities: This development shall disconnect and decommission all existing septic systems and residential drinking water wells. The developer shall also connect all lots to public water and sewer, including the existing home proposed for Lot 11. The site will receive public water service from Clark Public Utilities, and sewer service is provided by the Hazel Dell Sewer District. The applicant submitted current utility reviews from these purveyors confirming that these services are available to the site (Ex. 6, tab 9). Prior to final plat approval, the developer shall provide documentation from the purveyors that water and sewer connections to the new lots and the existing dwelling have been installed and approved. See Conditions A-19 & A-20.

Finding 39 – Health Department: The developer shall submit a “Health Department Evaluation Letter” as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable “Health Department Final Approval Letter” must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county, e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy. The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted its site evaluation to determine if existing wells or septic systems are present, and whether any structures on the site have been, or are presently, connected to water or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). See Condition A-21 & A-22.

IMPACT FEES:

Finding 40 – Impact Fees: The site is located in Vancouver School District, Parks Improvement District 9 and the Hazel Dell Traffic Impact Fee District. All new homes built on all lots in this development will impose new service demands on the local schools, park facilities and transportation system. Therefore, all new homes in this development (13 of them, which excludes the existing home on Lot 10) shall be subject to a School Impact Fee (SIF), a Park Impact Fee (PIF) and a Traffic Impact Fee (TIF) to help pay the cost of providing new system infrastructure to serve the new demand. Pursuant to CCC chapter 40.610, each of the new single-family dwellings in this subdivision shall be subject to the following impact fees, payable at the time building permits are issued:

- Park Impact Fees: \$2,016 (Acquisition: \$1,576, Development: \$440)
- Traffic Impact Fees: \$1,277.12
- School Impact Fees: \$1,725

The impact fees for dwelling units on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedules. See Condition B-2 and plat note D-3.

SEPA DETERMINATION

Based on the application materials and agency comments, staff determined that there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval listed below. Accordingly, the County, as the lead agency, determined that an environmental impact statement was not needed. The County issued and published its Determination of Nonsignificance for this project on April 12, 2004 (Exs. 14 & 17). No timely appeals and only one comment (Ex. 18) were received by the comment and appeal deadline of April 26, 2004. The single comment from the Department of Ecology does not warrant a change to the original SEPA determination or a separate response, and it is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicant's proposal, preliminary plat (Ex. 30) and the revised plans and reports associated with this proposal (Ex. 6, 26 & 30). This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings. It is understood that compliance with these conditions may result in a reduction in the number of lots proposed in Exhibit 30, *i.e.*, 14 lots.

A. Conditions that shall be met prior to Final Plat approval, or which may with County approval be bonded for and performed prior to building permit issuance according to CCC 40.350.030(C)(4)(i) & (j) and 40.380.040(N):

- A-1 The developer shall amend the plat to indicate that the area of each proposed lot is calculated, and meets the minimum lot size requirement, exclusive of the private road easement area. The average lot area so calculated shall be a minimum of 6,000 sf in accordance with CCC 40.260.110. See Finding 4.
- A-2 If the developer is successful in obtaining a vacation of land from the Vancouver School District for completion of the cul-de-sac for NW 109th Street, it shall provide proof of the approval and recordation of that vacation. If the developer is unsuccessful in obtaining a vacation of the portion of NW 109th Street currently owned by the Vancouver School District, the developer shall provide an alternate plan for the required turnaround at the terminus of NW 109th Street on land that the developer controls. See Transportation Finding 5.

- A-3 The developer shall submit to the County a copy of a recorded boundary line adjustment between TL 200 and TL 322 in substantial conformance with that depicted in Ex. 21. See Finding 8.
- A-4 The developer shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. See Finding 11.
- A-5 As part of final engineering plans, the developer shall submit, and obtain approval of, its proposed plans for correcting the sight distance deficiencies along NW 21st Avenue and its intersection with NW 109th Street. See Transportation Finding 18.
- A-6 The full-width right-of-way along the length of NW 109th Street shall not be less than 46 feet. See Transportation Finding 22.
- A-7 The proposed temporary cul-de-sac at the western end of NW 109th Street shall be designed and constructed in accordance with Standard Details Manual, Drawing 31, unless a modified version is approved by the county review authority. See Transportation Finding 22.
- A-8 If the improvements for NE 109th Street and NE 110th Street are not completed by Sorenson Park East development (PLD2003-00088), this project shall be responsible for constructing the required improvements along these roads. See Transportation Findings 22 & 23.
- A-9 The developer shall provide evidence that using NW 110th Street to access the proposed lots within the development is permitted by the terms of the easement and maintenance agreement by all parties, including Mr. Curtis, who have an ownership interest in this private road. See Transportation Finding 23.
- A-10 NW 110th Street shall not provide a connection between NW 21st Avenue and NW 109th Street. See Transportation Finding 23.
- A-11 A maximum of 4 lots are allowed to have access onto an "Infill B" road. See Transportation Finding 24.
- A-12 The developer will be responsible for installation of "No Parking" signs along the proposed private roadway with paved width of less than 24 feet. See Transportation Finding 24.
- A-13 The developer shall mitigate any potential impacts due to substandard spacing between the intersection of NW 21st Avenue and NW 109th Street and the intersections immediately north and south of this intersection. See Transportation Finding 26.

- A-14 The stormwater calculations and sizing of the water quality and detention facilities shall be based on the runoff volume from the entire accurately measured impervious surface areas. See Stormwater Finding 31.
- A-15 The developer shall perform additional field and laboratory infiltration tests during the wet weather season and shall use $\frac{1}{2}$ of the lowest rate that would provide the highest safety factor for use in the design of the infiltration facilities. See Stormwater Finding 31.
- A-16 Construction of the stormwater facilities shall comply with the following requirements:
- a. The infiltration system installation shall be observed and documented by a licensed geotechnical engineer.
 - b. A sacrificial temporary drainage system shall be considered for use during construction of the site improvements.
 - c. The infiltration rates used in the final stormwater analysis shall be verified during construction by a licensed geotechnical engineer or a designated representative at the exact location and dept of the proposed stormwater infiltration facilities.
 - d. The developer shall address the impact of mass grading on permeability of subsurface soil layers and the potential impacts of water seepage downstream from the proposed infiltration facilities. See Stormwater Finding 31.
- A-17 The stormwater basin plan shall include the contributory areas to the northwest of the site. The final stormwater plan shall provide measures to prevent adverse impacts to the adjacent properties. See Stormwater Finding 31.
- A-18 The developer shall obtain Fire Marshall approval for all hydrant locations. The final engineering plans shall show all water main and fire hydrant locations, as approved by the Fire Marshal. See Findings 34 & 35.
- A-19 The developer shall provide documentation that Hazel Dell Sewer District has approved the sewer connections to the new lots and the existing house. See Finding 38.
- A-20 The developer shall provide documentation that Clark Public Utilities has approved public water connections to the new lots and the existing house. See Finding 38.
- A-21 All septic tanks on the site shall be properly abandoned in accordance with the procedures of the Clark County Health Department, with written verification submitted to the Health Department prior to final plat approval. The location of the abandoned tank shall be shown on the final plat. See Finding 39.
- A-22 The wells on the site shall be properly decommissioned in accordance with WAC 173-160-381, by a licensed well driller. Written verification of decommissioning

must be submitted to the Health Department prior to final plat approval. The licensed well driller shall contact the Health Department at least 48 hours prior to beginning decommissioning. The locations of the decommissioned wells shall be shown on the final plat. See Finding 39.

- A-23 The developer shall submit a copy of the final recorded right-of-way vacation document for that portion (a 13-foot strip) of NW 109th Street running along the site's southern boundary that conforms substantially with the preliminary proposed plat. See Transportation Finding 22.

B. The following conditions shall be met prior to issuance of Building Permits:

- B-1 Prior to issuance of any building or grading permits for the development site, the developer shall obtain written approval from Clark County Department of Public Works of the developer's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. See Finding 28.

- B-2 Impact Fees: Pursuant to CCC chapter 40.610, all new single family dwelling units in this development (8 of them, which excludes the existing home on Lot 1) shall pay the following single-family impact fees at the time building permits are issued:

1. \$2,016 PIF (consisting of \$1,576 for acquisition, and \$440 for development) per new single-family dwelling in Park District 9;
2. \$1,725 SIF per new single-family dwelling in the Vancouver School District; and
3. \$1,277.12 TIF per new single-family dwelling in Hazel Dell Traffic Impact fee district.

The impact fees for dwelling units on this plat shall be fixed for a period of 3 years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedules." See Impact Fees Finding 40 and Plat Note D-3.

C. The following conditions shall be met prior to issuance of Occupancy Permits:

- C-1 The developer shall ensure, and the developer's engineer shall certify, that all driveways and intersections shall have unobstructed sight distance triangles and the roadways shall have minimum stopping sight distances in accordance with the provisions of Section CCC 40.350.030(B)(8). See Transportation Finding 7

D. The following notes shall be placed on the final plat:

- D-1 Zoning: "Dwellings and other structures on the lots in this plat shall be constructed in accordance with the setbacks, height regulations, lot coverage, parking standards, and other applicable dimensional standards for the R1-7.5 zone in CCC 40.220.010(C), as modified by the Infill Ordinance (CCC 40.260.110), including the following setbacks:

- Front: Minimum 10 feet, except minimum 18 feet for garage door.
 - Side: Minimum 5 feet
 - Rear: Minimum 10 feet
- D-2 NW 109th Street cul-de-sac: "The proposed cul-de-sac at the terminus of NE 109th Street shall be temporary; and, if a through road is required for cross circulation in the area, the road shall be extended as needed."
- D-3 Impact Fees "In accordance with CCC chapter 40.610, School, Park and Traffic Impact Fees shall be paid for all new dwelling units constructed in this development. Each new single-family dwelling shall be subject to the following impact fees at the time of building permit issuance: \$1,725 SIF per new single-family dwelling in the Vancouver School District, \$2,016 PIF (consisting of \$1, 576 for acquisition, and \$440 for development) per new single-family dwelling in Park District 9, and \$1,277.12 TIF per new single-family dwelling in the Hazel Dell Traffic Impact fee district. The impact fees for dwelling units on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedule."
- D-4 Archaeological "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- D-5 Mobile Homes "Mobile homes are prohibited on the lots in this subdivision in accordance with CCC 40.260.130."
- D-6 Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- D-7 Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- D-8 Utilities: "An easement is hereby reserved under and upon the exterior 6 feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior 6 feet along the front boundary lines of all lots adjacent to public streets."
- D-9 Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

- D-10 Sidewalks "Prior to issuance of an occupancy permit for Lot 1 in this plat, the sidewalk shall be constructed along the property's entire NW 7th Avenue frontage."
- D-11 Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."
- D-12 Privately Owned Stormwater Facilities: "The owners/developer shall be responsible for the long-term maintenance of the privately owned stormwater facilities."
- D-13 ADA Compliance: "All sidewalks, driveway aprons, and road intersections shall comply with the Americans with Disabilities Act."

E. Standard Conditions that shall be met:

- E-1 Land Division: Within 5 years of the effective date of this decision, the developer shall submit to the Planning Director a fully complete final plat consistent with CCC 40.540.070 and the requirements of this preliminary plat approval. Otherwise, this preliminary plat approval shall be null and void.
- E-2 Landscaping Plans: Prior to recording the final plat, the developer shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.
- E-3 Water and Septic Systems: Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county, e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy. See Finding 35.
- E-4 Abandonment of well and septic system, connection to public systems: All wells and septic systems existing or discovered on site shall be decommissioned by a suitably qualified professional. The developer shall submit an acceptable "Health Department Final Approval Letter" to the county at the time specified in the evaluation letter. The homes in this development shall be connected to public water and sewer services. See Finding 35.
- E-5 Fire Protection: Building construction occurring subsequent to this application shall comply with the Fire Marshal's comments and the county's building and fire codes. Additional specific requirements may be made at the time of building

construction as a result of the permit review and approval process. See Findings 29 & 30.

- E-6 Fire Protection: The developer shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. See Findings 29 & 30.
- E-7 Pre-Construction Conference: Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-8 Erosion Control: Prior to construction, the developer shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC chapter 40.380.
- E-9 Erosion Control: A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-10 Erosion Control: Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-11 Erosion Control: Erosion control facilities shall not be removed without County approval.
- E-12 Excavation and Grading: Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- E-13 Excavation and Grading: Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.
- E-14 Transportation: Prior to construction, the developer shall submit and obtain County approval of final transportation design plans in conformance with CCC chapter 40.350.
- E-15 Stormwater: Prior to construction, the developer shall submit and obtain County approval of a final stormwater design plan in conformance with CCC chapter 40.380.

Date of Decision: September, ____, 2004.

By: _____
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights

An appeal of any aspect of the Hearings Examiner's decision, except the SEPA determination, may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing or submitted written testimony prior to or at the public hearing on this matter.

Any appeal of the final land use decisions shall be filed with the Board of County Commissioners, 1300 Franklin Street, Vancouver, Washington, 98668 within 14 calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the Land Use Hearings Examiner's final land use decision shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error;
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must also explain why such evidence should be considered, based on the criteria in subsection 40.510.030(H)(3)(b); and
5. A check in the amount of \$279.00 (made payable to the Clark County Board of County Commissioners) must accompany an appeal to the Board.